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1 **LAGOMARSINO LAW**  
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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 JENNIFER MARTINEZ, individual,

CASE NO.:

13 Plaintiff,

14 vs.

**COMPLAINT AND**  
**DEMAND FOR JURY TRIAL**

15 SCIENTIFIC GAMES CORPORATION, a  
16 Nevada corporation

17 Defendant.

18 COMES NOW Plaintiff JENNIFER MARTINEZ ("Plaintiff"), by and through her counsel  
19 of record, ANDRE M. LAGOMARSINO, ESQ. of LAGOMARSINO LAW, and hereby files this  
20 Complaint alleging as follows:

21 **JURISDICTION AND VENUE**

22 1. This action is brought to remedy violations of the rights of Plaintiff under Title VII  
23 of the 1964, 42 U.S.C. § 2000e *et seq.* ("Title VII"), based on sex discrimination and retaliation,  
24 and the Equal Pay Act of 1963, 29 U.S.C. § 206 *et seq.* ("Equal Pay Act").

25 2. Injunctive and declaratory relief, damages, and other appropriate legal and equitable  
26 relief are sought pursuant to 42 U.S.C. § 2000 *et seq.*, 29 U.S.C. § 206 *et seq.*, and NRS § 613.330  
27 and § 613.340.

28 3. Venue is proper in this District pursuant to 42 U.S.C. § 2000, 29 U.S.C. § 206, and  
NRS § 613.330 and § 613.340, as all facts and circumstances surrounding Plaintiff's claims

1 occurred in Clark County, Nevada in the District of Nevada. Additionally, this Court has  
2 supplemental jurisdiction over claims in this action arising under the laws of the State of Nevada  
3 pursuant to 28 U.S.C. § 1367 and the principles of pendent jurisdiction.

#### 4 **PARTIES**

5 4. Plaintiff, at all relevant times, was a resident of Clark County, Nevada.

6 5. On information and belief, Defendant SCIENTIFIC GAMES CORPORATION  
7 (“Scientific Games”) is a domestic corporation registered to do business in Nevada and, at all  
8 relevant times, did business in Clark County, Nevada.

#### 9 **PROCEDURAL REQUIREMENTS**

10 6. On or about April 5, 2018, Plaintiff filed a Charge of Discrimination (“Charge”)  
11 with the U.S. Equal Employment Opportunity Commission (“EEOC”).

12 7. The EEOC issued Plaintiff a Notice of Right to Sue on August 1, 2018. Plaintiff  
13 exhausted all administrative remedies in connection with this action.

14 8. Plaintiff fully complied with all prerequisites for jurisdiction in this Court to bring  
15 Title VII, Equal Pay Act, and related Nevada Revised Statutes §§ 613.330 and 613.340 causes of  
16 action.

#### 17 **GENERAL ALLEGATIONS**

18 9. Plaintiff began working for Scientific Games on or about June 15, 2015 as the Vice  
19 President of Talent for the Global Lottery Division of Scientific Games on a six (6) month  
20 temporary assignment until the Company could appoint her to VP, Corporate Human Resources. In  
21 January 2016, the former CHRO and CEO asked the Plaintiff to perform in a dual role as VP,  
22 Gaming and VP, Corporate Human Resources because they did not want to replace the VP, Gaming  
23 who was reclassified to the Director, Compensation Administration. Over time, the Plaintiff was  
24  
25  
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1 given more responsibilities including Compensation, Benefits and HR Operations. The Plaintiff was  
2 also asked to assume the Payroll oversight on an interim basis.

3 10. Plaintiff's most recent job title, before her termination on or about January 15, 2018,  
4 was Vice President of Global Human Resources for the Centers of Excellence. The Plaintiff's  
5 appointment was formally communicated during two (2) separate meetings by Shawn Williams at  
6 the Global Town Hall meeting held in Las Vegas and during the WebEx Global HR Town Hall  
7 meeting for all HR staff on or around early November. During both meetings, he announced his  
8 new structure and introduced his key direct report team including Jennifer Martinez, Dave Medrano  
9 and Tyson Lee.  
10

11 11. At the time of Plaintiff's termination, Plaintiff reported directly to Shawn Williams  
12 ("Williams"), who was the Chief Human Resources Officer ("CHRO") and Plaintiff's immediate  
13 manager.  
14

15 12. From the time Plaintiff began working at Scientific Games, Plaintiff witnessed and  
16 was subjected to a pattern of discrimination against women, and herself, relating to promotions,  
17 equity in pay, and unfair treatment based on sex. Plaintiff also witnessed multiple senior level  
18 women being forced out of company.

19 13. During this time, Plaintiff addressed the unequal compensation issues to former  
20 CHRO, Gary Melampy during regularly scheduled one (1) on one (1) meetings. During early  
21 2017, they discussed the Plaintiff's role being elevated to an SVP in recognition of her  
22 contributions which was documented on an organizational chart prepared by Audelia Lawver at  
23 Gary's request. Peter Mani, former CHRO and CEO advisor participated in meetings to review  
24 Jennifer's role being elevated. Gary further advised the Plaintiff that the base salary, bonus and job  
25 level would be reviewed soon. At that time, the Plaintiff had a VP, Benefits/HR Operations  
26 reporting directly to her role. Upon Williams being hired as the new CHRO, Plaintiff further  
27  
28

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1 addressed her concerns with her compensation being below her male peers based on the scope of  
2 responsibilities. The Plaintiff advised Williams that she was planning to address her concerns with  
3 Kevin Sheehan (CEO at the time). Williams thanked Plaintiff for not going to Sheehan and said he  
4 would be addressing Plaintiff's compensation issue soon. He also told Plaintiff that she needed to  
5 "trust" him because he would "take care" of her.  
6

7 14. Plaintiff was asked by Williams to send him comparable market data in regard to  
8 the compensation. Plaintiff had the Senior Director of Compensation and Benefits prepare the  
9 market data, which Plaintiff emailed to Williams. Williams never responded to Plaintiff's request to  
10 review Plaintiff's compensation and title in comparison to Plaintiff's colleagues.

11 15. Two (2) of Plaintiff's male peers, Tyson Lee ("Lee") and Dave Medrano  
12 ("Medrano"), who were hired by Williams during this time, were paid a higher compensation at  
13 Scientific Games despite having fewer job responsibilities and less industry experience.  
14

15 16. Also, during the time the Plaintiff reported to the former CHRO, Gary Melampy,  
16 she was the only Human Resources leader consistently at the Las Vegas Headquarters. Gary  
17 worked generally two weeks a month in Alpharetta, GA if not traveling to other locations, leaving  
18 Jennifer to handle significant business initiatives and day-to-day matters in both Gaming and  
19 Corporate in his absence at the Las Vegas headquarters. This pattern continued when the new  
20 CHRO, Shawn Williams was hired. Plaintiff continued to be the only Human Resource leader  
21 consistently working in the Las Vegas Headquarters, while Williams allowed Plaintiff's peers Lee  
22 and Medrano to work from home as requested. Yet, Williams contacted the Plaintiff to complain  
23 why a female subordinate (Susie Fotheringham) was out of the office regularly. The Plaintiff  
24 updated Williams that Susie had an approved FMLA related intermittent leave for medical reasons.  
25

26 17. Williams was seldom in the office, and when Lee and Medrano would be in the  
27 office, they behaved unprofessionally towards Plaintiff and Plaintiff's team in front of the Human  
28

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1 Resource staff. A meeting was held between Plaintiff, Williams, Medrano, and Randy Stollar, in  
2 November of 2017, to address this lack of teamwork. Plaintiff voiced her concerns to Williams  
3 about Lee and Medrano's behavior towards her and her team.

4 19. Williams knew Lee and Medrano treated Plaintiff differently because she was a  
5 female and Williams did too. Williams continuously excluded Plaintiff from important emails that  
6 he would send to Plaintiff's employee, Randy Stollar. Randy Stollar would have to forward Plaintiff  
7 those emails so that she could stay informed and properly perform her multiple job duties.  
8

9 20. Williams also made outlandish and inappropriate comments in Plaintiff's presence.  
10 Once, at a Human Resource leadership meeting in December 2017, Williams made everyone who  
11 was present give a target date for a bet he made on when Scientific Games would fire one of their  
12 employees. On another occasion while Plaintiff was present, Williams again made an inappropriate  
13 comment about Mafco being "crazy".  
14

15 21. On or about January 15, 2018, Williams held a meeting with Plaintiff, where he  
16 accused her of bullying and intimidating Human Resource staff and accused her of being upset that  
17 she was not hired for Williams's position as CHRO. Plaintiff advised Williams that she took  
18 offense to those false accusations.

19 22. During the same meeting, Williams terminated Plaintiff's position in direct violation  
20 of the proper termination protocol to be followed at Scientific Games.  
21

22 23. Throughout Plaintiff's three (3) year employment with the company, Plaintiff never  
23 received any performance complaints or write-ups. On the contrary, the Plaintiff was highly  
24 regarded from senior leaders including Michael Quartieri, CFO, who sought her counsel on many  
25 employee-related matters, and Derik Mooberry who the Plaintiff worked closely with and is  
26 currently an employment reference on her behalf. During the tenure of the Plaintiff, Derik sent  
27 Gary Melampy an email stating Jennifer Martinez was the best HR leader he had ever worked with.  
28

**FIRST CLAIM FOR RELIEF**

**(Sex Discrimination Under Title VII)**

24. Paragraphs 1 through 23 are hereby specifically included and incorporated as though fully set forth herein.

25. Defendant's conduct, as set forth above, constitutes sex discrimination under Title VII by, among other things, denying Plaintiff compensation, privileges, and conditions commensurate with that of males with equal or lesser credentials occupying similar-situated positions at Scientific Games.

26. Defendant's actions toward Plaintiff, as alleged above, resulted in Plaintiff being treated less favorably than similar-situated male employees.

27. When Plaintiff attempted to engage in conduct protected under Title VII, she was subject to adverse employment actions by, among other things, being excluded from important communications that were essential in being able to perform her job duties and being terminated after opposing Defendant's unlawful and hostile practices.

28. As a direct and proximate result of Defendant's conduct, Plaintiff is now suffering, and will continue to suffer, irreparable injury and monetary damages in the form of past, present, and future lost earnings; past, present, and future pain and suffering; and other losses associated with such embarrassment, humiliation, and mental and emotional pain in an amount to be determined at trial.

29. Defendant's conduct was willful, intentional, oppressive, malicious, and done with wanton and reckless disregard for Plaintiff's rights.

30. Because of Defendant's conduct, Plaintiff has been required to retain the services of an attorney and as a direct and foreseeable result, has been damaged and is entitled to a reasonable attorney's fees and costs.



**SECOND CLAIM FOR RELIEF****(Sex Discrimination Under NRS § 613.330)**

31. Paragraphs 1 through 30 are hereby specifically included and incorporated as though fully set forth herein.

32. Defendant's conduct as set forth above constitutes sex discrimination under NRS § 613.330 by, among other things, denying Plaintiff compensation, privileges, and conditions commensurate with that of males with equal or lesser credentials occupying similar-situated positions at Scientific Games.

33. Defendant's actions toward Plaintiff, as alleged above, resulted in Plaintiff being treated less favorably than similar-situated, male, employees.

34. When Plaintiff attempted to engage in conduct protected under Nevada Law, she was subject to adverse employment actions by, among other things, being excluded from important communications that were essential in being able to perform her job duties and being terminated after opposing Defendant's unlawful and hostile practices.

35. As a direct and proximate result of Defendant's conduct, Plaintiff is now suffering, and will continue to suffer, irreparable injury and monetary damages in the form of past, present, and future lost earnings; past, present, and future pain and suffering; and other losses associated with such embarrassment, humiliation, and mental and emotional pain in an amount to be determined at trial.

36. Defendant's conduct was willful, intentional, oppressive, malicious, and done with wanton and reckless disregard for Plaintiff's rights.

37. Because of Defendant's conduct, Plaintiff has been required to retain the services of an attorney and as a direct and foreseeable result, has been damaged and is entitled to a reasonable attorney's fees and costs.

**THIRD CLAIM FOR RELIEF****(Retaliation Under Title VII)**

38. Paragraphs 1 through 37 are hereby specifically included and incorporated as though fully set forth herein.

39. Defendant's conduct, as set forth above, constitutes discrimination and retaliation under Title VII by, among other things, terminating Plaintiff's employment after Plaintiff opposed Defendant's unlawful and hostile practices in regard to equal pay compensation and a harassing work environment by Plaintiff's colleagues.

40. As a direct and proximate result of Defendant's conduct, Plaintiff is now suffering, and will continue to suffer, irreparable injury and monetary damages in the form of past, present, and future lost earnings; past, present, and future pain and suffering; and other losses associated with such embarrassment, humiliation, and mental and emotional pain in an amount to be determined at trial.

41. Defendant's conduct was willful, intentional, oppressive, malicious, and done with wanton and reckless disregard for Plaintiff's rights.

42. Because of Defendant's conduct, Plaintiff has been required to retain the services of an attorney and as a direct and foreseeable result, has been damaged and is entitled to a reasonable attorney's fees and costs.

**FOURTH CLAIM FOR RELIEF****(Discrimination and Retaliation Against Defendant Under NRS § 613.340)**

43. Paragraphs 1 through 42 are hereby specifically included and incorporated as though fully set forth herein.

44. Defendant's conduct, as set forth above, constitutes discrimination and retaliation under NRS § 613.340 by, among other things, terminating Plaintiff's employment after Plaintiff



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1 opposed Defendant's unlawful and hostile practices in regards to equal pay compensation and a  
2 harassing work environment by Plaintiff's colleagues.

3 45. As a direct and proximate result of Defendant's conduct, Plaintiff is now suffering,  
4 and will continue to suffer, irreparable injury and monetary damages in the form of past, present,  
5 and future lost earnings; past, present, and future pain and suffering; and other losses associated  
6 with such embarrassment, humiliation, and mental and emotional pain in an amount to be  
7 determined at trial.

8  
9 46. Defendant's conduct was willful, intentional, oppressive, malicious and done with  
10 wanton and reckless disregard for Plaintiff's rights.

11 47. As a result of Defendant's conduct, Plaintiff has been required to retain the services  
12 of an attorney and as a direct and foreseeable result, has been damaged and is entitled to a  
13 reasonable attorney's fees and costs.

#### 14 **FIFTH CLAIM FOR RELIEF**

#### 15 **(Hostile Work Environment Under Title VII)**

16 48. Paragraphs 1 through 47 are hereby specifically included and incorporated as  
17 though fully set forth herein.

18  
19 50. Defendant's conduct, as set forth above, constitutes a hostile environment.

20 51. During the time Plaintiff was a subordinate of Williams, Plaintiff suffered  
21 harassment by him, as well as harassment from Lee and Medrano on a regular basis.

22 52. The verbal harassment persisted throughout the period when she was a subordinate  
23 to Williams, and was offensive and unreasonable in that it interfered with Plaintiff's ability to  
24 perform her duties of employment.  
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54. As a direct and proximate result of Defendant's conduct, Plaintiff is now suffering, and will continue to suffer, irreparable injury and monetary damages in the form of past, present, and future lost earnings; past, present, and future pain and suffering; and other losses associated with such embarrassment, humiliation, and mental and emotional pain in an amount to be determined at trial.

55. Defendants' conduct was willful, intentional, oppressive, malicious and done with wanton and reckless disregard for the Plaintiff's rights.

56. As a result of Defendants' conduct, Plaintiff has been required to retain the services of an attorney and as a direct and foreseeable result, has been damaged and is entitled to reasonable attorney's fees and costs.

**(Violation of Equal Pay Act Against Defendant)**

57. Paragraphs 1 through 56 are hereby specifically included and incorporated as though fully set forth herein.

58. Defendant's conduct, as set forth above, constitutes a violation of the Equal Pay Act by, among other things, denying Plaintiff equal pay compensation with that of males with equal or lesser credentials occupying similar-situated positions at Scientific Games.

59. Defendant's disparity in pay between Plaintiff and similarly situated, male, colleagues was not based upon seniority, merit, earnings by quantity or quality of production, or any differentiating factor other than sex.

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60. As a direct and proximate result of Defendant's conduct, Plaintiff is now suffering and will continue to suffer, irreparable injury and monetary damages in the form of past, present, and future lost earnings; past, present, and future pain and suffering; and other losses associated with such embarrassment, humiliation, and mental and emotional pain in an amount to be determined at trial.

61. As a result of Defendant's conduct, Plaintiff has been required to retain the services of an attorney and as a direct and foreseeable result, has been damaged and is entitled to reasonable attorney's fees and costs.

62. Plaintiff is also entitled to liquidate damages as a result of the Defendant's conduct.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment for Plaintiff as follows:

1. Declaring that the acts and practices complained of herein are in violation of Title VII and the Equal Pay Act;
2. Awarding judgment as appropriate and requiring Defendant to pay Plaintiff compensatory damages, special damages, and any other damages described herein, and to be proven at trial, including punitive damages, back pay, and front pay;
3. Awarding liquidated damages;

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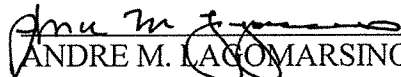
4. Awarding prejudgment interest;

5. Awarding Plaintiff fees and costs associated with bringing this action, in addition to reasonable attorney's fees as provided by the United States and or the Nevada statutes; and

6. Granting such other and further relief as this Court deems necessary and proper.

DATED this 2<sup>nd</sup> day of October, 2018.

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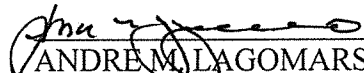
  
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**JURY DEMAND**

Plaintiff demands a jury trial on all issues triable by a jury herein.

DATED this 2<sup>nd</sup> day of October, 2018.

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